

62A-4a-603 Injunction -- Enforcement by county attorney or attorney general.

- (1) The division or any interested person may commence an action in district court to enjoin any person, agency, firm, corporation, or association violating Section 62A-4a-602.
- (2) A county attorney or the attorney general shall institute legal action as necessary to enforce the provisions of Section 62A-4a-602 when informed of any alleged violation. If the county attorney does not take action within 30 days after being informed, the attorney general may be requested to take action, and shall then institute legal proceedings in place of the county attorney.
- (3) In addition to the remedies provided in Subsections (1) and (2), any person, agency, firm, corporation, or association found to be in violation of Section 62A-4a-602 shall forfeit all proceeds identified as resulting from the transaction, and may also be assessed a civil penalty of not more than \$10,000 for each violation. Every act in violation of Section 62A-4a-602, including each placement or attempted placement of a child, is a separate violation.
- (4)
 - (a) All amounts recovered as penalties under Subsection (3) shall be placed in the General Fund of the prosecuting county, or in the state General Fund if the attorney general prosecutes.
 - (b) If two or more governmental entities are involved in the prosecution, the penalty amounts recovered shall be apportioned by the court among the entities, according to their involvement.
- (5) A judgment ordering the payment of any penalty or forfeiture under Subsection (3) constitutes a lien when recorded in the judgment docket, and has the same effect and is subject to the same rules as a judgment for money in a civil action.

Renumbered and Amended by Chapter 260, 1994 General Session